

## § 151.1000

### Subpart B—Transportation of Municipal and Commercial Waste

AUTHORITY: 33 U.S.C. 2602; 49 CFR 1.46.

SOURCE: CGD 89-014, 54 FR 22548, May 24, 1989, unless otherwise noted.

#### § 151.1000 Purpose.

The purpose of this subpart is to implement the permit provisions of the Shore Protection Act of 1988, (33 U.S.C. 2601 *et seq.*).

[CGD 89-014, 54 FR 22548, May 24, 1989, as amended by USCG-2001-9286, 66 FR 33641, June 25, 2001]

#### § 151.1003 Applicability.

(a) Except as provided by paragraph (b) of this section, this subpart applies to each vessel whose purpose is the transportation of municipal or commercial waste in coastal waters.

(b) This subpart does not apply to public vessels.

#### § 151.1006 Definitions.

As used in this subpart—

*Coastal waters* means—

(1) The territorial sea of the United States;

(2) The Great Lakes and their connecting waters;

(3) The marine and estuarine waters of the United States up to the head of tidal influence; and

(4) The Exclusive Economic Zone as established by Presidential Proclamation Number 5030, dated March 10, 1983.

NOTE: The Exclusive Economic Zone extends from the baseline of the territorial sea of the United States seaward 200 miles.

*Municipal and commercial waste* means solid waste as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903) except—

(1) Solid waste identified and listed under section 3001 of the Solid Waste Disposal Act (42 U.S.C. 6921);

(2) Waste generated by a vessel during normal operations;

(3) Debris solely from construction activities;

(4) Sewage sludge subject to regulation under title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 *et seq.*); and

(5) Dredge or fill material subject to regulation under title I of the Marine

## 33 CFR Ch. I (7-1-11 Edition)

Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 *et seq.*), the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*), or the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401 *et seq.*).

*Public vessel* means a vessel that—

(1) Is owned, or demise chartered, and operated by the United States Government or a government of a foreign country; and

(2) Is not engaged in commercial service.

*Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

[CGD 89-014, 54 FR 22548, May 24, 1989, as amended by USCG-2001-9286, 66 FR 33641, June 25, 2001]

#### § 151.1009 Transportation of municipal or commercial waste.

A vessel may not transport municipal or commercial waste in coastal waters without—

(a) A conditional permit to transport municipal or commercial waste issued under this subpart; and

(b) Displaying a number in accordance with § 151.1024.

[CGD 89-014, 54 FR 22548, May 24, 1989; CGD 89-014, 54 FR 24078, June 5, 1989]

#### § 151.1012 Applying for a conditional permit.

(a) The owner or operator of each vessel to which this subpart applies shall apply by letter for a conditional permit required by § 151.1009. Applications must be submitted to Commandant (CG-5431), U.S. Coast Guard Headquarters, 2100 2nd St., SW., Stop 7581, Washington, DC 20593-7581, Attn: Shore Protection Act Desk and include the following:

(1) The name, address, and telephone number of the vessel owner and operator.

(2) The vessel's name and official number, if any.

(3) The vessel's area of operation.

(4) The vessel's transport capacity.

(5) A history of the types of cargo transported by the vessel during the previous year, including identifying the type of municipal or commercial waste transported as—

(i) Municipal waste;

## Coast Guard, DHS

## § 151.1021

- (ii) Commercial waste;
- (iii) Medical waste; or
- (iv) Waste of another character.

(6) The types of cargo to be transported by the vessel during the effective period of the conditional permit, including identifying the type of municipal or commercial waste as it is identified in paragraphs (a)(5)(i) through (iv) of this section.

(7) A statement of whether the application for a conditional permit is for a single voyage, a short term operation or a continuing operation. If the application is for a single voyage or a short term operation, the statement must include the duration of the voyage or operation.

(8) An acknowledgment that certifies as to the truthfulness and accuracy of the information provided.

(b) The owner or operator under paragraph (a) of this section shall provide any additional information the Coast Guard may require.

[CGD 89-014, 54 FR 22548, May 24, 1989, as amended by CGD 96-026, 61 FR 33665, June 28, 1996; USCG-2008-0179, 73 FR 35014, June 19, 2008; USCG-2010-0351, 75 FR 36284, June 25, 2010]

### § 151.1015 Issuing or denying the issuance of a conditional permit.

(a) After reviewing the application made under § 151.1012, the Coast Guard either—

(1) Issues the conditional permit for a vessel under this section; or

(2) Denies the issuance of the conditional permit to the vessel in accordance with paragraph (c) of this section. On denying the issuance of the permit, the Coast Guard notifies the applicant of the—

(i) Denial and the reason for the denial; and

(ii) Procedures under § 151.1021 for appealing the denial.

(b) Each conditional permit issued under this section is effective—

(1) On the date it is issued; and

(2) Until the expiration date stated on the conditional permit unless it is—

(i) Withdrawn under § 151.1018;

(ii) Terminated because—

(A) The vessel is sold; or

(B) This subpart no longer applies to the vessel.

(c) The Coast Guard may deny the issuance of a conditional permit if—

(i) The application does not contain the information required under § 151.1012; or

(ii) There is reason to believe that the information contained on the application is not true and correct.

### § 151.1018 Withdrawal of a conditional permit.

(a) The Coast Guard may withdraw a conditional permit if the Administrator of the EPA requests withdrawal because the Administrator has determined that the owner or operator of the vessel has a record or a pattern of serious violations of—

(1) Subtitle A of the Shore Protection Act of 1988 (33 U.S.C. 2601 *et seq.*);

(2) The Solid Waste Disposal Act (42 U.S.C. 6901 *et seq.*);

(3) The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 *et seq.*);

(4) The Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 1401 *et seq.*); or

(5) The Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*).

(b) Upon reaching a determination to withdraw a conditional permit, the Coast Guard notifies the owner or operator of—

(1) The withdrawal and the reason for the withdrawal;

(2) The procedures for appealing the withdrawal.

(c) After receiving the notice under paragraph (b) of this section, the owner or operator shall ensure that—

(1) The vessel immediately ceases transporting municipal or commercial waste and the marking required by § 151.1024 is removed; and

(2) The conditional permit is returned to the Coast Guard within 5 days after receiving the notice.

### § 151.1021 Appeals.

(a) Any person directly affected by an action taken under this subpart may request reconsideration by the Coast Guard officer responsible for that action.

(b) The person affected who is not satisfied with a ruling after having it reconsidered under paragraph (a) of this section may—